

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**HB 546 – SB 846**

March 7, 2013

**SUMMARY OF ORIGINAL BILL:** Defines electronic citation. Requires recipients of electronic citations to be provided a paper copy of the citation. Requires each court clerk with an existing automated citation system to charge and collect an electronic citation fee of five dollars. Requires one dollar of the fee be retained by the court clerk to defray expenses related to the establishment and maintenance of an automated citation database. Requires four dollars of such fee to be transmitted monthly to the law enforcement agency issuing the citation.

**CORRECTED FISCAL IMPACT OF ORIGINAL BILL:**

Increase State Revenue – Exceeds \$80,000

Increase Local Revenue – Exceeds \$270,000

**SUMMARY OF AMENDMENT (004284):** Requires all funds derived from the fee that are transmitted to law enforcement to be accounted for in a special revenue fund of such agency and used only for purposes of the electronic citation program and related expenditures. Requires the funds allocated to the court clerk be used for technological expenditures.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Unchanged from the corrected fiscal note.**

Assumptions for the bill as amended:

- The Department of Safety (DOS) uses the Tennessee Integrated Traffic Analysis Network (TITAN) electronic citation program.
- According to DOS, there are approximately 200,000 citations issued by the state annually.
- DOS indicates a conviction rate of approximately 40 percent.
- At least 25 percent of county clerks utilize an electronic citation system for DOS-issued citations and will charge a fee for these citations.
- A minimum of 20,000 citations issued by DOS (200,000 x 40% x 25%) will be charged the \$5.00 fee.

- Four dollars of the fee will be allocated to the state. A recurring increase in state revenue estimated to exceed \$80,000 (20,000 citations x \$4.00).
- One dollar of the fee will be allocated to the local clerk's office. A recurring increase in local revenue estimated to exceed \$20,000 (20,000 citations x \$1.00).
- The precise number of local government-issued citations that this fee will apply to cannot be determined, but the number is reasonably estimated to exceed 50,000 per year statewide.
- The recurring increase in local revenue for county clerks from one dollar of the fee is reasonably estimated to exceed \$50,000 (50,000 x \$1.00).
- The recurring increase in local revenue for local law enforcement agencies from four dollars of the fee is reasonably estimated to exceed \$200,000 (50,000 x \$4.00).
- The total recurring increase in local government revenue as a result of the bill is estimated to exceed \$270,000 (\$20,000 + \$50,000 + \$200,000).
- This bill does not explicitly require the state or any local government entity to develop or establish an electronic citation system. The bill only authorizes entities currently having an electronic citation system to charge the stated fees. Some local governments may elect to develop or establish an electronic citation system in the future, subjecting themselves to permissive increases in expenditures. However, any such permissive expenditures are assumed to occur in the absence of this bill. As a result, and for the purposes of this fiscal note, no expenditures have been included for the establishment or development of new systems.
- Any increase in state or local government expenditures for transmission of electronic citations to the court having jurisdiction over the alleged offense, or for providing persons issued an electronic citation a paper copy of the citation, is estimated to be not significant.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

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